IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.30947 of 1998

Dated: March 28, 2007

Between:

M/s. Utkal Agro Products, Ramachandrapur Bazar, rep. by its Managing Partner G. Kameswara Rao, S/o. G. Rama Rao, aged 30 years, Jatni, Hurda District, Orissa State.

... Petitioner

And

The Commissioner of Prohibition & Excise, Andhra Pradesh, Hyderabad, and others.

... Respondents

Order:

This Writ Petition has been filed seeking Mandamus to declare the action of the respondents in demanding Administrative charges at the rate of Rs.25/- per Metric Tonne on Molasses purchased and transported within and outside the State of Andhra Pradesh as arbitrary and illegal.

2. It is submitted by the learned counsel for the petitioner and admitted by learned Government Pleader appearing on behalf of respondents that this Writ Petition is covered to be disposed of in terms of an order of a Division Bench of this court *dated 08-05-2001, passed in W.A.No.2209 of 1998*, wherein similar issue fell for consideration. He has placed before this court a copy of the aforesaid order of this court, wherein it was held as under:

> "The restriction of transportation of molasses is only if it is intended for utilization of illicit distillation and on such occasion only the respondent authority can take action. But, however, if any individual is transporting the Molasses under a valid purchase bills to the destination of the purchaser, the respondents authority have no right to interfere with such transportation.
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> Therefore, the writ petition is disposed of clarifying the position that the respondents have no right to insist the petitioner for any permission or for obtaining NOC for transport of Molasses from the Sugar Factories to any other specified destination for being used by the purchaser."

3. Recording the submission of the learned counsel, and following the ratio laid down in the aforesaid order of this court, the Writ Petition is disposed of in terms of the aforesaid order. No costs.

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JUSTICE R. SUBHASH REDDY.

March 28, 2007
MRR